

## Calendar No. 437

108TH CONGRESS  
2D SESSION**S. CON. RES. 95**

Setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

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IN THE SENATE OF THE UNITED STATES

MARCH 5, 2004

Mr. NICKLES, from the Committee on the Budget, reported, under authority of the order of the Senate of March 4, 2004, an original resolution; which was placed on the calendar

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**CONCURRENT RESOLUTION**

Setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009.

1       *Resolved by the Senate (the House of Representatives*  
2       *concurring),*

3       **SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET**  
4       **FOR FISCAL YEAR 2005.**

5       (a) DECLARATION.—Congress declares that this reso-  
6       lution is the concurrent resolution on the budget for fiscal

1 year 2005 including the appropriate budgetary levels for  
 2 fiscal years 2006 through 2009 as authorized by section  
 3 301 of the Congressional Budget Act of 1974 (2 U.S.C.  
 4 632).

5 (b) TABLE OF CONTENTS.—The table of contents for  
 6 this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2005.

#### TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social security.

Sec. 103. Major functional categories.

#### TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the Senate.

#### TITLE III—RESERVE FUNDS AND ADJUSTMENTS

##### Subtitle A—Reserve Funds

Sec. 301. Reserve fund for health insurance for the uninsured.

Sec. 302. Reserve fund for higher education.

Sec. 303. Reserve for energy legislation.

##### Subtitle B—Adjustments With Respect to Discretionary Spending

Sec. 311. Adjustment for surface transportation.

Sec. 312. Supplemental appropriations for Iraq and related activities for fiscal  
 year 2005.

Sec. 313. Adjustment for wildland fire suppression.

#### TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.

Sec. 402. Extension of emergency rule in the Senate.

Sec. 403. Discretionary spending limits in the Senate.

Sec. 404. Scoring rules.

Sec. 405. Adjustments to reflect changes in concepts and definitions.

Sec. 406. Application and effect of changes in allocations and aggregates.

Sec. 407. Exercise of rulemaking powers.

#### TITLE V—SENSE OF THE SENATE

Sec. 501. Sense of the Senate on budget process reform.

Sec. 502. Sense of the Senate on budget process reform with regard to the cre-  
 ation of bipartisan commissions to combat waste, fraud, and  
 abuse and to promote spending efficiency.

Sec. 503. Sense of the Senate on the relationship between annual deficit spend-  
 ing and increases in debt service costs.

Sec. 504. Sense of the Senate regarding the costs of the medicare prescription drug program.

Sec. 505. Sense of the Senate regarding pay parity.

Sec. 506. Sense of the Senate on returning stability to payments under medicare physician fee schedule.

Sec. 507. Sense of the Senate regarding the use of Federal funds to support American companies and American workers.

Sec. 508. Sense of the Senate regarding closing the “tax gap”.

Sec. 509. Sense of the Senate amendment on drug comparativeness studies.

## 1 **TITLE I—LEVELS AND AMOUNTS**

### 2 **SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

3       The following budgetary levels are appropriate for the  
4 fiscal years 2005 through 2009:

5           (1) FEDERAL REVENUES.—For purposes of the  
6 enforcement of this resolution—

7           (A) The recommended levels of Federal  
8 revenues are as follows:

9           Fiscal year 2005: \$1,452,838,000,000.

10          Fiscal year 2006: \$1,614,601,000,000.

11          Fiscal year 2007: \$1,729,121,000,000.

12          Fiscal year 2008: \$1,821,450,000,000.

13          Fiscal year 2009: \$1,923,634,000,000.

14          (B) The amounts by which the aggregate  
15 levels of Federal revenues should be changed  
16 are as follows:

17          Fiscal year 2005: −\$24,296,000,000.

18          Fiscal year 2006: −\$39,580,000,000.

19          Fiscal year 2007: −\$25,823,000,000.

20          Fiscal year 2008: −\$24,340,000,000.

21          Fiscal year 2009: −\$29,426,000,000.

1           (2) NEW BUDGET AUTHORITY.—For purposes  
2           of the enforcement of this resolution, the appropriate  
3           levels of total new budget authority are as follows:

4                     Fiscal year 2005: \$1,952,853,000,000.

5                     Fiscal year 2006: \$2,072,235,000,000.

6                     Fiscal year 2007: \$2,186,751,000,000.

7                     Fiscal year 2008: \$2,293,612,000,000.

8                     Fiscal year 2009: \$2,396,927,000,000.

9           (3) BUDGET OUTLAYS.—For purposes of the  
10          enforcement of this resolution, the appropriate levels  
11          of total budget outlays are as follows:

12                    Fiscal year 2005: \$1,965,001,000,000.

13                    Fiscal year 2006: \$2,059,612,000,000.

14                    Fiscal year 2007: \$2,160,581,000,000.

15                    Fiscal year 2008: \$2,263,205,000,000.

16                    Fiscal year 2009: \$2,363,452,000,000.

17          (4) DEFICITS.—For purposes of the enforce-  
18          ment of this resolution, the amounts of the deficits  
19          are as follows:

20                    Fiscal year 2005: —\$512,163,000,000.

21                    Fiscal year 2006: —\$445,011,000,000.

22                    Fiscal year 2007: —\$431,460,000,000.

23                    Fiscal year 2008: —\$441,755,000,000.

24                    Fiscal year 2009: —\$439,818,000,000.

1 (5) DEBT SUBJECT TO LIMIT.—The appropriate  
2 levels of the public debt are as follows:

3 Fiscal year 2005: \$8,048,028,000,000.

4 Fiscal year 2006: \$8,616,924,000,000.

5 Fiscal year 2007: \$9,169,227,000,000.

6 Fiscal year 2008: \$9,731,725,000,000.

7 Fiscal year 2009: \$10,295,210,000,000.

8 (6) DEBT HELD BY THE PUBLIC.—The appro-  
9 priate levels of the debt held by the public are as fol-  
10 lows:

11 Fiscal year 2005: \$4,736,438,000,000.

12 Fiscal year 2006: \$5,001,818,000,000.

13 Fiscal year 2007: \$5,237,750,000,000.

14 Fiscal year 2008: \$5,468,263,000,000.

15 Fiscal year 2009: \$5,683,106,000,000.

16 **SEC. 102. SOCIAL SECURITY.**

17 (a) SOCIAL SECURITY REVENUES.—For purposes of  
18 Senate enforcement under sections 302 and 311 of the  
19 Congressional Budget Act of 1974, the amounts of reve-  
20 nues of the Federal Old-Age and Survivors Insurance  
21 Trust Fund and the Federal Disability Insurance Trust  
22 Fund are as follows:

23 Fiscal year 2005: \$572,314,000,000.

24 Fiscal year 2006: \$600,902,000,000.

25 Fiscal year 2007: \$629,333,000,000.

1           Fiscal year 2008: \$658,731,000,000.

2           Fiscal year 2009: \$689,620,000,000.

3           (b) SOCIAL SECURITY OUTLAYS.—For purposes of  
4 Senate enforcement under sections 302 and 311 of the  
5 Congressional Budget Act of 1974, the amounts of outlays  
6 of the Federal Old-Age and Survivors Insurance Trust  
7 Fund and the Federal Disability Insurance Trust Fund  
8 are as follows:

9           Fiscal year 2005: \$396,159,000,000.

10          Fiscal year 2006: \$406,390,000,000.

11          Fiscal year 2007: \$419,424,000,000.

12          Fiscal year 2008: \$433,487,000,000.

13          Fiscal year 2009: \$450,288,000,000.

14          (c) SOCIAL SECURITY ADMINISTRATIVE EX-  
15 PENSES.—In the Senate, the amounts of new budget au-  
16 thority and budget outlays of the Federal Old-Age and  
17 Survivors Insurance Trust Fund and the Federal Dis-  
18 ability Insurance Trust Fund for administrative expenses  
19 are as follows:

20          Fiscal year 2005:

21               (A)       New       budget       authority,  
22               \$4,249,000,000.

23               (B) Outlays, \$4,264,000,000.

24          Fiscal year 2006:

1 (A) New budget authority,  
2 \$4,352,000,000.

3 (B) Outlays, \$4,335,000,000.

4 Fiscal year 2007:

5 (A) New budget authority,  
6 \$4,477,000,000.

7 (B) Outlays, \$4,457,000,000.

8 Fiscal year 2008:

9 (A) New budget authority,  
10 \$4,617,000,000.

11 (B) Outlays, \$4,594,000,000.

12 Fiscal year 2009:

13 (A) New budget authority,  
14 \$4,762,000,000.

15 (B) Outlays, \$4,738,000,000.

16 **SEC. 103. MAJOR FUNCTIONAL CATEGORIES.**

17 Congress determines and declares that the appro-  
18 priate levels of new budget authority, budget outlays, new  
19 direct loan obligations, and new primary loan guarantee  
20 commitments for fiscal years 2005 through 2009 for each  
21 major functional category are:

22 (1) National Defense (050):

23 Fiscal year 2005:

24 (A) New budget authority,  
25 \$415,257,000,000.

1 (B) Outlays, \$444,033,000,000.

2 Fiscal year 2006:

3 (A) New budget authority,

4 \$445,708,000,000.

5 (B) Outlays, \$440,563,000,000.

6 Fiscal year 2007:

7 (A) New budget authority,

8 \$456,148,000,000.

9 (B) Outlays, \$441,290,000,000.

10 Fiscal year 2008:

11 (A) New budget authority,

12 \$467,482,000,000.

13 (B) Outlays, \$451,419,000,000.

14 Fiscal year 2009:

15 (A) New budget authority,

16 \$479,494,000,000.

17 (B) Outlays, \$463,058,000,000.

18 (2) International Affairs (150):

19 Fiscal year 2005:

20 (A) New budget authority,

21 \$30,140,000,000.

22 (B) Outlays, \$33,779,000,000.

23 Fiscal year 2006:

24 (A) New budget authority,

25 \$34,658,000,000.

1 (B) Outlays, \$32,471,000,000.

2 Fiscal year 2007:

3 (A) New budget authority,

4 \$35,301,000,000.

5 (B) Outlays, \$31,287,000,000.

6 Fiscal year 2008:

7 (A) New budget authority,

8 \$35,658,000,000.

9 (B) Outlays, \$31,303,000,000.

10 Fiscal year 2009:

11 (A) New budget authority,

12 \$35,714,000,000.

13 (B) Outlays, \$31,805,000,000.

14 (3) General Science, Space, and Technology (250):

15 Fiscal year 2005:

16 (A) New budget authority,

17 \$23,678,000,000.

18 (B) Outlays, \$23,152,000,000.

19 Fiscal year 2006:

20 (A) New budget authority,

21 \$25,412,000,000.

22 (B) Outlays, \$24,863,000,000.

23 Fiscal year 2007:

24 (A) New budget authority,

25 \$26,269,000,000.

1 (B) Outlays, \$25,613,000,000.

2 Fiscal year 2008:

3 (A) New budget authority,

4 \$26,499,000,000.

5 (B) Outlays, \$25,914,000,000.

6 Fiscal year 2009:

7 (A) New budget authority,

8 \$26,547,000,000.

9 (B) Outlays, \$26,095,000,000.

10 (4) Energy (270):

11 Fiscal year 2005:

12 (A) New budget authority,

13 \$2,793,000,000.

14 (B) Outlays, \$1,154,000,000.

15 Fiscal year 2006:

16 (A) New budget authority,

17 \$2,762,000,000.

18 (B) Outlays, \$1,653,000,000.

19 Fiscal year 2007:

20 (A) New budget authority,

21 \$2,781,000,000.

22 (B) Outlays, \$1,214,000,000.

23 Fiscal year 2008:

24 (A) New budget authority,

25 \$2,501,000,000.

1 (B) Outlays, \$601,000,000.

2 Fiscal year 2009:

3 (A) New budget authority,

4 \$2,082,000,000.

5 (B) Outlays, \$718,000,000.

6 (5) Natural Resources and Environment (300):

7 Fiscal year 2005:

8 (A) New budget authority,

9 \$32,817,000,000.

10 (B) Outlays, \$30,957,000,000.

11 Fiscal year 2006:

12 (A) New budget authority,

13 \$32,909,000,000.

14 (B) Outlays, \$32,995,000,000.

15 Fiscal year 2007:

16 (A) New budget authority,

17 \$32,895,000,000.

18 (B) Outlays, \$33,115,000,000.

19 Fiscal year 2008:

20 (A) New budget authority,

21 \$32,825,000,000.

22 (B) Outlays, \$32,926,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,

25 \$33,523,000,000.

1 (B) Outlays, \$33,486,000,000.

2 (6) Agriculture (350):

3 Fiscal year 2005:

4 (A) New budget authority,  
5 \$21,746,000,000.

6 (B) Outlays, \$20,976,000,000.

7 Fiscal year 2006:

8 (A) New budget authority,  
9 \$23,806,000,000.

10 (B) Outlays, \$22,574,000,000.

11 Fiscal year 2007:

12 (A) New budget authority,  
13 \$24,698,000,000.

14 (B) Outlays, \$23,509,000,000.

15 Fiscal year 2008:

16 (A) New budget authority,  
17 \$24,604,000,000.

18 (B) Outlays, \$23,483,000,000.

19 Fiscal year 2009:

20 (A) New budget authority,  
21 \$25,563,000,000.

22 (B) Outlays, \$24,623,000,000.

23 (7) Commerce and Housing Credit (370):

24 Fiscal year 2005:

1 (A) New budget authority,  
2 \$7,743,000,000.

3 (B) Outlays, \$2,867,000,000.

4 Fiscal year 2006:

5 (A) New budget authority,  
6 \$8,041,000,000.

7 (B) Outlays, \$2,553,000,000.

8 Fiscal year 2007:

9 (A) New budget authority,  
10 \$9,141,000,000.

11 (B) Outlays, \$3,399,000,000.

12 Fiscal year 2008:

13 (A) New budget authority,  
14 \$9,336,000,000.

15 (B) Outlays, \$2,550,000,000.

16 Fiscal year 2009:

17 (A) New budget authority,  
18 \$9,826,000,000.

19 (B) Outlays, \$2,766,000,000.

20 (8) Transportation (400):

21 Fiscal year 2005:

22 (A) New budget authority,  
23 \$69,985,000,000.

24 (B) Outlays, \$68,390,000,000.

25 Fiscal year 2006:

1 (A) New budget authority,  
2 \$70,923,000,000.

3 (B) Outlays, \$70,998,000,000.

4 Fiscal year 2007:

5 (A) New budget authority,  
6 \$71,428,000,000.

7 (B) Outlays, \$72,207,000,000.

8 Fiscal year 2008:

9 (A) New budget authority,  
10 \$71,760,000,000.

11 (B) Outlays, \$72,571,000,000.

12 Fiscal year 2009:

13 (A) New budget authority,  
14 \$72,241,000,000.

15 (B) Outlays, \$72,597,000,000.

16 (9) Community and Regional Development (450):

17 Fiscal year 2005:

18 (A) New budget authority,  
19 \$13,637,000,000.

20 (B) Outlays, \$14,968,000,000.

21 Fiscal year 2006:

22 (A) New budget authority,  
23 \$13,422,000,000.

24 (B) Outlays, \$14,994,000,000.

25 Fiscal year 2007:

1 (A) New budget authority,  
2 \$13,591,000,000.

3 (B) Outlays, \$14,061,000,000.

4 Fiscal year 2008:

5 (A) New budget authority,  
6 \$13,719,000,000.

7 (B) Outlays, \$13,558,000,000.

8 Fiscal year 2009:

9 (A) New budget authority,  
10 \$13,890,000,000.

11 (B) Outlays, \$13,653,000,000.

12 (10) Education, Training, Employment, and Social  
13 Services (500):

14 Fiscal year 2005:

15 (A) New budget authority,  
16 \$97,620,000,000.

17 (B) Outlays, \$88,259,000,000.

18 Fiscal year 2006:

19 (A) New budget authority,  
20 \$95,254,000,000.

21 (B) Outlays, \$92,867,000,000.

22 Fiscal year 2007:

23 (A) New budget authority,  
24 \$95,568,000,000.

25 (B) Outlays, \$93,657,000,000.

1 Fiscal year 2008:

2 (A) New budget authority,

3 \$95,798,000,000.

4 (B) Outlays, \$94,197,000,000.

5 Fiscal year 2009:

6 (A) New budget authority,

7 \$96,108,000,000.

8 (B) Outlays, \$94,624,000,000.

9 (11) Health (550):

10 Fiscal year 2005:

11 (A) New budget authority,

12 \$250,617,000,000.

13 (B) Outlays, \$246,061,000,000.

14 Fiscal year 2006:

15 (A) New budget authority,

16 \$254,677,000,000.

17 (B) Outlays, \$255,590,000,000.

18 Fiscal year 2007:

19 (A) New budget authority,

20 \$267,998,000,000.

21 (B) Outlays, \$27,752,000,000.

22 Fiscal year 2008:

23 (A) New budget authority,

24 \$286,815,000,000.

25 (B) Outlays, \$286,525,000,000.

1 Fiscal year 2009:

2 (A) New budget authority,  
3 \$307,860,000,000.

4 (B) Outlays, \$305,533,000,000.

5 (12) Medicare (570):

6 Fiscal year 2005:

7 (A) New budget authority,  
8 \$287,513,000,000.

9 (B) Outlays, \$288,654,000,000.

10 Fiscal year 2006:

11 (A) New budget authority,  
12 \$322,517,000,000.

13 (B) Outlays, \$322,035,000,000.

14 Fiscal year 2007:

15 (A) New budget authority,  
16 \$361,999,000,000.

17 (B) Outlays, \$362,277,000,000.

18 Fiscal year 2008:

19 (A) New budget authority,  
20 \$386,753,000,000.

21 (B) Outlays, \$386,795,000,000.

22 Fiscal year 2009:

23 (A) New budget authority,  
24 \$412,922,000,000.

25 (B) Outlays, \$412,515,000,000.

## 1       (13) Income Security (600):

2           Fiscal year 2005:

3               (A)       New       budget       authority,  
4           \$337,712,000,000.

5               (B) Outlays, \$341,976,000,000.

6           Fiscal year 2006:

7               (A)       New       budget       authority,  
8           \$343,192,000,000.

9               (B) Outlays, \$346,622,000,000.

10          Fiscal year 2007:

11               (A)       New       budget       authority,  
12          \$348,102,000,000.

13               (B) Outlays, \$350,750,000,000.

14          Fiscal year 2008:

15               (A)       New       budget       authority,  
16          \$361,495,000,000.

17               (B) Outlays, \$363,499,000,000.

18          Fiscal year 2009:

19               (A)       New       budget       authority,  
20          \$371,422,000,000.

21               (B) Outlays, \$372,943,000,000.

## 22       (14) Social Security (650):

23           Fiscal year 2005:

24               (A)       New       budget       authority,  
25          \$15,214,000,000.

1 (B) Outlays, \$15,214,000,000.

2 Fiscal year 2006:

3 (A) New budget authority,

4 \$16,779,000,000.

5 (B) Outlays, \$16,779,000,000.

6 Fiscal year 2007:

7 (A) New budget authority,

8 \$18,269,000,000.

9 (B) Outlays, \$18,269,000,000.

10 Fiscal year 2008:

11 (A) New budget authority,

12 \$20,218,000,000.

13 (B) Outlays, \$20,218,000,000.

14 Fiscal year 2009:

15 (A) New budget authority,

16 \$22,229,000,000.

17 (B) Outlays, \$22,229,000,000.

18 (15) Veterans Benefits and Services (700):

19 Fiscal year 2005:

20 (A) New budget authority,

21 \$70,346,000,000.

22 (B) Outlays, \$69,079,000,000.

23 Fiscal year 2006:

24 (A) New budget authority,

25 \$68,196,000,000.

1 (B) Outlays, \$67,623,000,000.

2 Fiscal year 2007:

3 (A) New budget authority,

4 \$66,209,000,000.

5 (B) Outlays, \$65,829,000,000.

6 Fiscal year 2008:

7 (A) New budget authority,

8 \$69,326,000,000.

9 (B) Outlays, \$69,131,000,000.

10 Fiscal year 2009:

11 (A) New budget authority,

12 \$69,888,000,000.

13 (B) Outlays, \$69,660,000,000.

14 (16) Administration of Justice (750):

15 Fiscal year 2005:

16 (A) New budget authority,

17 \$41,241,000,000.

18 (B) Outlays, \$40,595,000,000.

19 Fiscal year 2006:

20 (A) New budget authority,

21 \$39,490,000,000.

22 (B) Outlays, \$40,156,000,000.

23 Fiscal year 2007:

24 (A) New budget authority,

25 \$40,099,000,000.

1 (B) Outlays, \$40,342,000,000.

2 Fiscal year 2008:

3 (A) New budget authority,

4 \$40,870,000,000.

5 (B) Outlays, \$40,783,000,000.

6 Fiscal year 2009:

7 (A) New budget authority,

8 \$41,206,000,000.

9 (B) Outlays, \$41,150,000,000.

10 (17) General Government (800):

11 Fiscal year 2005:

12 (A) New budget authority,

13 \$17,382,000,000.

14 (B) Outlays, \$17,474,000,000.

15 Fiscal year 2006:

16 (A) New budget authority,

17 \$17,503,000,000.

18 (B) Outlays, \$17,290,000,000.

19 Fiscal year 2007:

20 (A) New budget authority,

21 \$17,611,000,000.

22 (B) Outlays, \$17,365,000,000.

23 Fiscal year 2008:

24 (A) New budget authority,

25 \$17,190,000,000.

1 (B) Outlays, \$16,968,000,000.

2 Fiscal year 2009:

3 (A) New budget authority,

4 \$17,256,000,000.

5 (B) Outlays, \$16,841,000,000.

6 (18) Net Interest (900):

7 Fiscal year 2005:

8 (A) New budget authority,

9 \$270,018,000,000.

10 (B) Outlays, \$270,018,000,000.

11 Fiscal year 2006:

12 (A) New budget authority,

13 \$316,934,000,000.

14 (B) Outlays, \$316,934,000,000.

15 Fiscal year 2007:

16 (A) New budget authority,

17 \$361,381,000,000.

18 (B) Outlays, \$361,381,000,000.

19 Fiscal year 2008:

20 (A) New budget authority,

21 \$394,546,000,000.

22 (B) Outlays, \$394,546,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,

25 \$422,181,000,000.

1 (B) Outlays, \$422,181,000,000.

2 (19) Allowances (920):

3 Fiscal year 2005:

4 (A) New budget authority,  
5 — \$100,000,000.

6 (B) Outlays, — \$100,000,000.

7 Fiscal year 2006:

8 (A) New budget authority,  
9 — \$100,000,000.

10 (B) Outlays, — \$100,000,000.

11 Fiscal year 2007:

12 (A) New budget authority,  
13 — \$300,000,000.

14 (B) Outlays, — \$300,000,000.

15 Fiscal year 2008:

16 (A) New budget authority,  
17 — \$300,000,000.

18 (B) Outlays, — \$300,000,000.

19 Fiscal year 2009:

20 (A) New budget authority,  
21 — \$300,000,000.

22 (B) Outlays, — \$300,000,000.

23 (20) Undistributed Offsetting Receipts (950):

24 Fiscal year 2005:

1 (A) New budget authority,  
2 — \$52,505,000,000.

3 (B) Outlays, — \$52,505,000,000.

4 Fiscal year 2006:

5 (A) New budget authority,  
6 — \$59,848,000,000.

7 (B) Outlays, — \$59,848,000,000.

8 Fiscal year 2007:

9 (A) New budget authority,  
10 — \$62,437,000,000.

11 (B) Outlays, — \$62,437,000,000.

12 Fiscal year 2008:

13 (A) New budget authority,  
14 — \$63,482,000,000.

15 (B) Outlays, — \$63,482,000,000.

16 Fiscal year 2009:

17 (A) New budget authority,  
18 — \$62,725,000,000.

19 (B) Outlays, — \$62,725,000,000.

## 20 **TITLE II—RECONCILIATION**

### 21 **SEC. 201. RECONCILIATION IN THE SENATE.**

22 (a) TAX RELIEF.—The Senate Committee on Fi-  
23 nance shall report a reconciliation bill not later than Sep-  
24 tember 30, 2004, that consists of changes in laws within  
25 its jurisdiction sufficient to reduce revenues by not more

1 than \$12,311,000,000 for fiscal year 2005 and  
2 \$80,642,000,000 for the period of fiscal years 2005  
3 through 2009.

4 (b) INCREASE IN STATUTORY DEBT LIMIT.—The  
5 Committee on Finance shall report a reconciliation bill not  
6 later than September 30, 2004, that consists solely of  
7 changes in laws within its jurisdiction to increase the stat-  
8 utory debt limit by \$664,028,000,000.

9 (c) REDUCTIONS IN OUTLAYS.—The Senate Com-  
10 mittee on Finance shall report changes in laws within its  
11 jurisdiction not later than September 30, 2004, that pro-  
12 vide direct spending (as defined in section 250(c)(8) of  
13 the Balanced Budget and Emergency Deficit Control Act  
14 of 1985) to reduce outlays \$2,888,000,000 for fiscal year  
15 2005 and \$3,423,000,000 for the period of fiscal years  
16 2005 through 2009.

## 17 **TITLE III—RESERVE FUNDS AND** 18 **ADJUSTMENTS**

### 19 **Subtitle A—Reserve Funds**

#### 20 **SEC. 301. RESERVE FUND FOR HEALTH INSURANCE FOR** 21 **THE UNINSURED.**

22 If the Committee on Finance or the Committee on  
23 Health, Education, Labor, and Pensions of the Senate re-  
24 ports a bill or joint resolution, or an amendment thereto  
25 is offered or a conference report thereon is submitted, that

1 provides health insurance or expands access to care for  
 2 the uninsured (including a measure providing for tax de-  
 3 ductions for the purchase of health insurance or other  
 4 measures), increases access to health insurance through  
 5 lowering costs, and does not increase the costs of current  
 6 health insurance coverage, the chairman of the Committee  
 7 on the Budget may revise allocations of new budget au-  
 8 thority and outlays, the revenue aggregates, and other ap-  
 9 propriate aggregates to reflect such legislation, provided  
 10 that such legislation would not increase the deficit for fis-  
 11 cal year 2005 and for the period of fiscal years 2005  
 12 through 2009.

13 **SEC. 302. RESERVE FUND FOR HIGHER EDUCATION.**

14 If the Committee on Health, Education, Labor, and  
 15 Pensions of the Senate reports a bill or joint resolution,  
 16 or if an amendment thereto is offered or a conference re-  
 17 port thereon is submitted, that provides, funding for—

18 (1) the reauthorization of the Higher Education  
 19 Act of 1965, the chairman of the Committee on the  
 20 Budget may revise committee allocations for that  
 21 committee and other appropriate budgetary aggre-  
 22 gates and allocations of new budget authority and  
 23 outlays by the amount provided by that measure for  
 24 that purpose, but not to exceed \$1,000,000,000 in  
 25 new budget authority and \$1,000,000,000 in outlays

1 for fiscal year 2005, \$5,000,000,000 in new budget  
2 authority and \$5,000,000,000 in outlays for the pe-  
3 riod of fiscal years 2005 through 2009; and

4 (2) a measure that eliminates the accumulated  
5 shortfall of budget authority resulting from insuffi-  
6 cient appropriations of discretionary new budget au-  
7 thority previously enacted for the Federal Pell Grant  
8 Program for awards made through award year  
9 2004–2005, the chairman of the Committee on the  
10 Budget may revise the committee allocation and  
11 other appropriate budgetary aggregates by the  
12 amount provided by that measure for that purpose,  
13 but not to exceed \$3,700,000,000 in new budget au-  
14 thority only for fiscal year 2005.

15 **SEC. 303. RESERVE FOR ENERGY LEGISLATION.**

16 If a measure, predominately within the jurisdiction  
17 of the Committee on Energy and Natural Resources of  
18 the Senate (including a bill or joint resolution, an amend-  
19 ment or a conference report), is considered in the Senate  
20 that provides for a national energy policy and does not  
21 reduce revenues by more than \$1,785,000,000 in 2005  
22 and \$15,092,000,000 for the period of fiscal years 2005  
23 through 2009, the chairman of the Committee on the  
24 Budget may revise committee allocations for that com-  
25 mittee and other appropriate budgetary aggregates and al-

1 location of new budget authority and outlays by the  
 2 amount provided by that measure for that purpose, but  
 3 not to exceed \$261,000,000 in new budget authority and  
 4 \$221,000,000 in outlays for fiscal year 2005 and  
 5 \$1,465,000,000 in new budget authority and  
 6 \$1,465,000,000 in outlays for the period of fiscal years  
 7 2005 through 2009.

## 8       **Subtitle B—Adjustments With** 9       **Respect to Discretionary Spending**

### 10   **SEC. 311. ADJUSTMENT FOR SURFACE TRANSPORTATION.**

11       (a) IN GENERAL.—If the Committee on Transpor-  
 12 tation and Infrastructure of the House or the Committee  
 13 on Environment and Public Works, the Committee on  
 14 Banking, Housing, and Urban Affairs, or the Committee  
 15 on Commerce, Science, and Transportation of the Senate  
 16 reports a bill or joint resolution, or if an amendment  
 17 thereto is offered or a conference report thereon is sub-  
 18 mitted, that provides new budget authority for the budget  
 19 accounts or portions thereof in the highway and transit  
 20 categories as defined in subparagraphs (B) and (C) of sec-  
 21 tion 250(c)(4) of the Balanced Budget and Emergency  
 22 Deficit Control Act of 1985 in excess of—

- 23               (1) for fiscal year 2005, \$41,772,000,000; or
- 24               (2) for fiscal years 2005 through 2009,
- 25               \$207,293,000,000;

1 the chairman of the Committee on the Budget may adjust  
2 the appropriate budget aggregates and increase the alloca-  
3 tion of new budget authority to such committee for fiscal  
4 year 2005 and for the period of fiscal years 2005 through  
5 2009 to the extent such excess is offset by an increase  
6 in net new user-fee receipts related to the purposes of the  
7 highway trust fund that are appropriated to such fund for  
8 the applicable fiscal year caused by such legislation. In  
9 the Senate, any increase in receipts shall be reported from  
10 the Committee on Finance.

11 (b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year  
12 2005, in the Senate, if a bill or joint resolution is reported,  
13 or if an amendment thereto is offered or a conference re-  
14 port thereon is submitted, that changes obligation limita-  
15 tions such that the total limitations are in excess of  
16 \$40,600,000,000 for fiscal year 2005, for programs,  
17 projects, and activities within the highway and transit cat-  
18 egories as defined in subparagraphs (B) and (C) of section  
19 250(c)(4) of the Balanced Budget and Emergency Deficit  
20 Control Act of 1985 and if legislation has been enacted  
21 that satisfies the conditions set forth in subsection (a) for  
22 such fiscal year, the appropriate chairman of the Com-  
23 mittee on the Budget may increase the allocation of out-  
24 lays and appropriate aggregates for such fiscal year for  
25 the committee reporting such measure by the amount of

1 outlays that corresponds to such excess obligation limita-  
2 tions, but not to exceed the amount of such excess that  
3 was offset in 2005 pursuant to subsection (a).

4       (2) For fiscal year 2006, in the Senate, if a bill or  
5 joint resolution is reported, or if an amendment thereto  
6 is offered or a conference report thereon is submitted, that  
7 changes obligation limitations such that the total limita-  
8 tions are in excess of \$40,621,000,000 for fiscal year  
9 2005, for programs, projects, and activities within the  
10 highway and transit categories as defined in subpara-  
11 graphs (B) and (C) of section 250(c)(4) of the Balanced  
12 Budget and Emergency Deficit Control Act of 1985 and  
13 if legislation has been enacted that satisfies the conditions  
14 set forth in subsection (a) for such fiscal year, the chair-  
15 man of the Committee on the Budget may increase the  
16 allocation of outlays and appropriate aggregates for such  
17 fiscal year for the committee reporting such measure by  
18 the amount of outlays that corresponds to such excess ob-  
19 ligation limitations, but not to exceed the amount of such  
20 excess that was offset in 2006 pursuant to subsection (a).

21 **SEC. 312. SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND**  
22 **RELATED ACTIVITIES FOR FISCAL YEAR 2005.**

23       If the President transmits a budget request for addi-  
24 tional resources for activities in Iraq and Afghanistan and  
25 if the Committee on Appropriations of the Senate reports

1 legislation providing additional discretionary appropria-  
2 tions in excess of the levels assumed in this resolution for  
3 defense-related activities for fiscal year 2005, the chair-  
4 man of the Committee on the Budget may revise the allo-  
5 cation (and all other appropriate levels and aggregates set  
6 out in this resolution) for that committee for such purpose  
7 but not to exceed: \$30,000,000,000 in new budget author-  
8 ity for fiscal year 2005 and the outlays that flow there-  
9 from.

10 **SEC. 313. ADJUSTMENT FOR WILDLAND FIRE SUPPRES-**  
11 **SION.**

12 (a) FINDINGS.—The Senate makes the following  
13 findings:

14 (1) Due to the expansion of the wildland urban  
15 interface, severe drought conditions in many regions  
16 of the country, and the poor health of the Nation's  
17 forests and rangelands, the Forest Service and De-  
18 partment of the Interior regularly spend more than  
19 the amount appropriated for fire suppression, and  
20 then borrow from other accounts to pay for fire sup-  
21 pression.

22 (2) This borrowing has a negative effect on  
23 many Forest Service and Department of the Interior  
24 programs.

1           (3) This resolution provides an amount equal to  
2           the 10-year average for fire suppression in fiscal  
3           year 2005.

4           (4) The Senate recommends that the Forest  
5           Service and the Department of the Interior address  
6           cost containment within the fire suppression ac-  
7           count, and report to Congress regarding how funds  
8           appropriated pursuant to this section are used.

9           (b) CAP ADJUSTMENT.—

10           (1) DEFINITION.—For this subsection, the term  
11           “base amount” refers to the average of the obliga-  
12           tions of the preceding 10 years for wildfire suppres-  
13           sion in the Forest Service and the Department of  
14           the Interior, calculated as of the date of the applica-  
15           ble year’s budget request is submitted by the Presi-  
16           dent to Congress.

17           (2) ADJUSTMENTS FOR FISCAL YEARS 2005 AND  
18           2006.—If the amount appropriated for Wildland Fire  
19           Suppression in a fiscal year is not less than the base  
20           amount, then the chairman of the Committee on the  
21           Budget may adjust the appropriate allocations and  
22           other budgetary levels in the most recently agreed to  
23           concurrent resolution on the budget for any bill,  
24           joint resolution, amendment, motion, or conference

1 report that provides additional funding for wildland  
 2 fire suppression, but not to exceed—

3 (A) for the Forest Service—

4 (i) for fiscal year 2005, \$400,000,000;

5 and

6 (ii) for fiscal year 2006,

7 \$400,000,000; and

8 (B) for the Department of the Interior—

9 (i) for fiscal year 2005, \$100,000,000;

10 and

11 (ii) for fiscal year 2006,

12 \$100,000,000.

13 (3) SPECIAL RULE FOR FISCAL YEAR 2004.—If  
 14 additional funding for wildland fire suppression for  
 15 fiscal year 2004 is provided in a bill, joint resolu-  
 16 tion, amendment, motion, or conference report, then  
 17 the chairman of the Committee on the Budget may  
 18 determine that such amounts shall not be counted  
 19 for the purposes of the Congressional Budget Act of  
 20 1974 and this resolution, provided that such  
 21 amounts do not exceed—

22 (A) for the Forest Service, for fiscal year  
 23 2004, \$400,000,000; and

24 (B) for the Department of the Interior, for  
 25 fiscal year 2004, \$100,000,000.

## **TITLE IV—BUDGET ENFORCEMENT**

### **3 SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.**

4 (a) IN GENERAL.—Except as provided in subsection  
5 (b), it shall not be in order in the Senate to consider any  
6 bill, joint resolution, motion, amendment, or conference re-  
7 port that would provide an advance appropriation.

8 (b) ACCOUNTS.—An advance appropriation may be  
9 provided for fiscal years 2006 and 2007 for programs,  
10 projects, activities, or accounts identified in the joint ex-  
11 planatory statement of managers accompanying this reso-  
12 lution under the heading “Accounts Identified for Advance  
13 Appropriations” in an aggregate amount not to exceed  
14 \$23,158,000,000 in new budget authority in each year.

15 (c) POINT OF ORDER.—

16 (1) WAIVER.—In the Senate, subsection (a)  
17 may be waived or suspended only by an affirmative  
18 vote of three-fifths of the Members, duly chosen and  
19 sworn. An affirmative vote of three-fifths of the  
20 Members of the Senate, duly chosen and sworn, shall  
21 be required to sustain an appeal of the ruling of the  
22 Chair on a point of order raised under subsection  
23 (a).

24 (2) PROCEDURE.—A point of order under sub-  
25 section (a) may be raised by a Senator as provided

1 in section 313(e) of Congressional Budget Act of  
2 1974.

3 (3) CONFERENCE REPORT.—If a point of order  
4 is sustained under subsection (a) against a con-  
5 ference report in the Senate, the report shall be dis-  
6 posed of as provided in section 313(d) of the Con-  
7 gressional Budget Act of 1974.

8 (d) ADVANCE APPROPRIATION.—In this section, the  
9 term “advance appropriation” means any discretionary  
10 new budget authority in a bill or joint resolution—

11 (1) making general appropriations or con-  
12 tinuing appropriations for fiscal year 2005 that first  
13 becomes available for any fiscal year after 2005; or

14 (2) making general appropriations or con-  
15 tinuing appropriations for fiscal year 2006 that first  
16 becomes available for any fiscal year after 2006.

17 **SEC. 402. EXTENSION OF EMERGENCY RULE IN THE SEN-**  
18 **ATE.**

19 Section 502(c) of H. Con. Res. 95 (108th Cong., 1st.  
20 Sess.) is amended to read as follows:

21 “(c) IN THE SENATE.—

22 “(1) AUTHORITY TO DESIGNATE.—In the Sen-  
23 ate, with respect to a provision of direct spending or  
24 receipts legislation or appropriations for discre-  
25 tionary accounts that the President designates as an

1 emergency requirement and that Congress so des-  
 2 ignates in such measure, the amounts of new budget  
 3 authority, outlays, and receipts in all fiscal years re-  
 4 sulting from that provision shall be treated as an  
 5 emergency requirement for the purpose of this sec-  
 6 tion.

7 “(2) EXEMPTION OF EMERGENCY PROVI-  
 8 SIONS.—In the Senate, any new budget authority,  
 9 outlays, and receipts resulting from any provision  
 10 designated as an emergency requirement, pursuant  
 11 to this section, in any bill, joint resolution, amend-  
 12 ment, or conference report shall not count for pur-  
 13 poses of sections 302, 303, 311, and 401 of the Con-  
 14 gressional Budget Act of 1974 and any concurrent  
 15 resolution on the budget.

16 “(3) DESIGNATIONS.—

17 “(A) GUIDANCE.—In the Senate, if a pro-  
 18 vision of legislation is designated as an emer-  
 19 gency requirement under this section, the com-  
 20 mittee report and any statement of managers  
 21 accompanying that legislation shall include an  
 22 explanation of the manner in which the provi-  
 23 sion meets the criteria in subparagraph (B).

24 “(B) CRITERIA.—

1 “(i) IN GENERAL.—Any such provi-  
 2 sion is an emergency requirement if the  
 3 situation addressed by such provision is—

4 “(I) necessary, essential, or vital  
 5 (not merely useful or beneficial);

6 “(II) sudden, quickly coming into  
 7 being, and not building up over time;

8 “(III) an urgent, pressing, and  
 9 compelling need requiring immediate  
 10 action;

11 “(IV) subject to clause (ii), un-  
 12 foreseen, unpredictable, and unantici-  
 13 pated; and

14 “(V) not permanent, temporary  
 15 in nature.

16 “(ii) UNFORESEEN.—An emergency  
 17 that is part of an aggregate level of antici-  
 18 pated emergencies, particularly when nor-  
 19 mally estimated in advance, is not unfore-  
 20 seen.

21 “(4) DEFINITIONS.—In this subsection, the  
 22 terms ‘direct spending’, ‘receipts’, and ‘appropria-  
 23 tions for discretionary accounts’ means any provision  
 24 of a bill, joint resolution, amendment, motion, or  
 25 conference report that affects direct spending, re-

1        ceipts, or appropriations as those terms have been  
 2        defined and interpreted for purposes of the Balanced  
 3        Budget and Emergency Deficit Control Act of 1985.

4            “(5) POINT OF ORDER.—When the Senate is  
 5        considering a bill, resolution, amendment, motion, or  
 6        conference report, if a point of order is made by a  
 7        Senator against an emergency designation in that  
 8        measure, that provision making such a designation  
 9        shall be stricken from the measure and may not be  
 10       offered as an amendment from the floor.

11           “(6) WAIVER AND APPEAL.—Paragraph (5)  
 12        may be waived or suspended in the Senate only by  
 13        an affirmative vote of three-fifths of the Members,  
 14        duly chosen and sworn. An affirmative vote of three-  
 15        fifths of the Members of the Senate, duly chosen and  
 16        sworn, shall be required to sustain an appeal of the  
 17        ruling of the Chair on a point of order raised under  
 18        this section.

19           “(7) DEFINITION OF AN EMERGENCY DESIGNA-  
 20        TION.—For purposes of paragraph (5), a provision  
 21        shall be considered an emergency designation if it  
 22        designates any item as an emergency requirement  
 23        pursuant to this section.

24           “(8) FORM OF THE POINT OF ORDER.—A point  
 25        of order under paragraph (5) may be raised by a

1 Senator as provided in section 313(e) of the Con-  
 2 gressional Budget Act of 1974.

3 “(9) CONFERENCE REPORTS.—If a point of  
 4 order is sustained under paragraph (5) against a  
 5 conference report, the report shall be disposed of as  
 6 provided in section 313(d) of the Congressional  
 7 Budget Act of 1974.

8 “(10) EXCEPTION FOR DEFENSE SPENDING.—  
 9 Paragraph (5) shall not apply against an emergency  
 10 designation for a provision making discretionary ap-  
 11 propriations in the defense category.”.

12 **SEC. 403. DISCRETIONARY SPENDING LIMITS IN THE SEN-**  
 13 **ATE.**

14 (a) DISCRETIONARY SPENDING LIMITS.—In the Sen-  
 15 ate and as used in this section, the term “discretionary  
 16 spending limit” means—

17 (1) for fiscal year 2005—

18 (A) \$812,773,000,000 in new budget au-  
 19 thority and \$818,285,000,000 in outlays for the  
 20 discretionary category;

21 (B) for the highway category,  
 22 \$33,393,000,000 in outlays; and

23 (C) for the mass transit category,  
 24 \$1,488,000,000 in new budget authority, and  
 25 \$6,726,000,000 in outlays; and

1           (2) for fiscal year 2006 \$852,257,000,000 in  
 2           new budget authority, and \$884,266,000,000 in out-  
 3           lays for the discretionary category.

4           (b) DISCRETIONARY SPENDING POINT OF ORDER IN  
 5 THE SENATE.—

6           (1) IN GENERAL.—Except as otherwise pro-  
 7           vided in this subsection, it shall not be in order in  
 8           the Senate to consider any bill or resolution (includ-  
 9           ing a concurrent resolution on the budget) or  
 10          amendment, motion, or conference report thereon  
 11          that would exceed any of the discretionary spending  
 12          limits in this section.

13          (2) WAIVER.—This subsection may be waived  
 14          or suspended in the Senate only by the affirmative  
 15          vote of three-fifths of the Members, duly chosen and  
 16          sworn.

17          (3) APPEALS.—Appeals in the Senate from the  
 18          decisions of the Chair relating to any provision of  
 19          this subsection shall be limited to 1 hour, to be  
 20          equally divided between, and controlled by, the ap-  
 21          pellant and the manager of the bill or joint resolu-  
 22          tion, as the case may be. An affirmative vote of  
 23          three-fifths of the Members of the Senate, duly cho-  
 24          sen and sworn, shall be required to sustain an ap-

1 peal of the ruling of the Chair on a point of order  
2 raised under this subsection.

3 (c) ADJUSTMENTS.—

4 (1) IN GENERAL.—

5 (A) CHAIRMAN.—After the reporting of a  
6 bill or joint resolution, or the offering of an  
7 amendment thereto or the submission of a con-  
8 ference report thereon, the chairman of the  
9 Committee on the Budget may make the ad-  
10 justments set forth in subparagraph (B) for the  
11 amount of new budget authority in that meas-  
12 ure (if that measure meets the requirements set  
13 forth in paragraph (2)) and the outlays flowing  
14 from that budget authority.

15 (B) MATTERS TO BE ADJUSTED.—The ad-  
16 justments referred to in subparagraph (A) are  
17 to be made to—

18 (i) the discretionary spending limits, if  
19 any, set forth in the appropriate concur-  
20 rent resolution on the budget;

21 (ii) the allocations made pursuant to  
22 the appropriate concurrent resolution on  
23 the budget pursuant to section 302(a) of  
24 the Congressional Budget Act of 1974; and

1 (iii) the budgetary aggregates as set  
2 forth in the appropriate concurrent resolu-  
3 tion on the budget.

4 (2) AMOUNTS OF ADJUSTMENTS.—The adjust-  
5 ment referred to in paragraph (1) shall be—

6 (A) an amount provided for transportation  
7 under section 311;

8 (B) an amount provided for the fiscal year  
9 2005 supplemental appropriation pursuant to  
10 section 312; and

11 (C) an amount provided for fire suppres-  
12 sion pursuant to section 313.

13 (3) REPORTING REVISED SUBALLOCATIONS.—  
14 Following any adjustment made under paragraph  
15 (1), the Committee on Appropriations of the Senate  
16 shall report appropriately revised suballocations  
17 under section 302(b) to carry out this subsection.

18 **SEC. 404. SCORING RULES.**

19 (a) SCORING OF BUDGET AUTHORITY FOR FEDERAL  
20 PELL GRANTS.—

21 (1) PURPOSE.—In order to prevent the accumu-  
22 lation of shortfalls of new budget authority with re-  
23 spect to discretionary Pell Grant Awards, the Senate  
24 adopts the following scoring rule.

1           (2) STATEMENT OF BUDGETARY SCORING  
 2       RULE.—For purposes of points of order under any  
 3       concurrent resolution on the budget and the Con-  
 4       gressional Budget Act of 1974, the cost of the Fed-  
 5       eral Pell Grant Program shall be the estimated full  
 6       cost associated with the maximum award provided  
 7       for an award year (beginning with award year 2005–  
 8       2006) in an Appropriation Act, notwithstanding the  
 9       amount of new budget authority provided in the text  
 10      of the appropriation for that purpose.

11      (b) FUNDING FOR BIOSHIELD.—In the Senate, for  
 12      purposes of points of order under any concurrent resolu-  
 13      tion on the budget and the Congressional Budget Act of  
 14      1974, provisions contained in any bill, resolution, amend-  
 15      ment, motion, or conference report that change the avail-  
 16      ability of any amounts appropriated for Project Bioshield  
 17      pursuant to Public Law 108–90 shall not be scored with  
 18      respect to the level of budget authority or outlays con-  
 19      tained in such bill, resolution, amendment, motion, or con-  
 20      ference report.

21      **SEC. 405. ADJUSTMENTS TO REFLECT CHANGES IN CON-**  
 22                                   **CEPTS AND DEFINITIONS.**

23      (a) In the Senate, upon the enactment of a bill or  
 24      joint resolution providing for a change in concepts or defi-  
 25      nitions, the chairman of the Committee on the Budget

1 shall make adjustments to the levels and allocations in this  
 2 resolution in accordance with section 251(b) of the Bal-  
 3 anced Budget and Emergency Deficit Control Act of 1985  
 4 (as in effect prior to September 30, 2002).

5 (b) If the Committee on Appropriations reports a bill  
 6 or resolution, or if an amendment thereto is offered or  
 7 a conference report thereon is submitted, that changes the  
 8 nature of offsetting receipts collected from the Power Mar-  
 9 keting Administration from mandatory to discretionary,  
 10 the chairman of the Committee on the Budget may revise  
 11 the appropriate allocations for such committee and other  
 12 appropriate levels in this resolution.

13 **SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLO-**  
 14 **CATIONS AND AGGREGATES.**

15 (a) APPLICATION.—Any adjustments of allocations  
 16 and aggregates made pursuant to this resolution shall—

17 (1) apply while that measure is under consider-  
 18 ation;

19 (2) take effect upon the enactment of that  
 20 measure; and

21 (3) be published in the Congressional Record as  
 22 soon as practicable.

23 (b) EFFECT OF CHANGED ALLOCATIONS AND AG-  
 24 GREGATES.—Revised allocations and aggregates resulting  
 25 from these adjustments shall be considered for the pur-

1 poses of the Congressional Budget Act of 1974 as alloca-  
 2 tions and aggregates contained in this resolution.

3 (c) BUDGET COMMITTEE DETERMINATIONS.—For  
 4 purposes of this resolution—

5 (1) the levels of new budget authority, outlays,  
 6 direct spending, new entitlement authority, revenues,  
 7 deficits, and surpluses for a fiscal year or period of  
 8 fiscal years shall be determined on the basis of esti-  
 9 mates made by the appropriate Committee on the  
 10 Budget; and

11 (2) such chairman may make any other nec-  
 12 essary adjustments to such levels to carry out this  
 13 resolution.

14 **SEC. 407. EXERCISE OF RULEMAKING POWERS.**

15 Congress adopts the provisions of this title—

16 (1) as an exercise of the rulemaking power of  
 17 the Senate and the House of Representatives, re-  
 18 spectively, and as such they shall be considered as  
 19 part of the rules of each House, or of that House  
 20 to which they specifically apply, and such rules shall  
 21 supersede other rules only to the extent that they  
 22 are inconsistent therewith; and

23 (2) with full recognition of the constitutional  
 24 right of either House to change those rules (so far  
 25 as they relate to that House) at any time, in the

1 same manner, and to the same extent as in the case  
 2 of any other rule of that House.

### 3 **TITLE V—SENSE OF THE SENATE**

#### 4 **SEC. 501. SENSE OF THE SENATE ON BUDGET PROCESS RE-** 5 **FORM.**

6 It is the sense of the Senate that Congress and the  
 7 President should work together to enact budget process  
 8 reform legislation that would include mechanisms to re-  
 9 strain Government spending. Such legislation may in-  
 10 clude—

11 (1) deficit targets that, when exceeded, would  
 12 result in across-the-board reductions in Federal  
 13 spending except Social Security, Medicare, and Vet-  
 14 erans' benefits;

15 (2) revision of the content of budget resolutions  
 16 to increase their focus on aggregate levels, and to in-  
 17 clude easily understood enforcement tools such as—

18 (A) discretionary spending limits;

19 (B) pay-as-you-go; and

20 (C) explicit committee allocations;

21 (3) emergency spending procedures which budg-  
 22 et for emergency needs;

23 (4) pay-as-you-go limitations which apply to  
 24 non-budget expenditures;

1 (5) limitations on unauthorized appropriations;  
 2 and

3 (6) enhanced rescission or constitutional line-  
 4 item veto authority for the President.

5 **SEC. 502. SENSE OF THE SENATE ON BUDGET PROCESS RE-**  
 6 **FORM WITH REGARD TO THE CREATION OF**  
 7 **BIPARTISAN COMMISSIONS TO COMBAT**  
 8 **WASTE, FRAUD, AND ABUSE AND TO PRO-**  
 9 **MOTE SPENDING EFFICIENCY.**

10 (a) WASTE, FRAUD, AND ABUSE.—It is the sense of  
 11 the Senate that legislation should be enacted that would  
 12 create a bipartisan commission for the purpose of—

13 (1) submitting recommendations on ways to  
 14 eliminate waste, fraud, and abuse; and

15 (2) to provide recommendations on ways in  
 16 which to achieve cost savings through enhancing  
 17 program efficiencies in all discretionary and entitle-  
 18 ment programs.

19 The findings of the commission should be made on an an-  
 20 nual basis, and should be presented in conjunction with  
 21 the submission of the President's budget request to Con-  
 22 gress.

23 (b) EFFICIENCY.—It is the sense of the Senate that  
 24 a bipartisan commission should be established to—

1           (1) audit Federal domestic agencies, and pro-  
 2           grams within such agencies, with the express pur-  
 3           pose of providing Congress with recommendations,  
 4           and legislation;

5           (2) implement those recommendations; and

6           (3) realign or eliminate government agencies  
 7           and programs that are duplicative, inefficient, out-  
 8           dated, irrelevant, or have failed to accomplish their  
 9           intended purpose.

10       The findings of the commission should be made on an an-  
 11       nual basis, and should be presented in conjunction with  
 12       the submission of the President's budget request to Con-  
 13       gress.

14       **SEC. 503. SENSE OF THE SENATE ON THE RELATIONSHIP**  
 15                       **BETWEEN ANNUAL DEFICIT SPENDING AND**  
 16                       **INCREASES IN DEBT SERVICE COSTS.**

17       It is the sense of the Senate that the Congressional  
 18       Budget Office shall consult with the Committee on the  
 19       Budget of the Senate in order to prepare a report con-  
 20       taining a discussion of—

21           (1) the relationship between annual deficit  
 22           spending and increases in debt service costs;

23           (2) the relationship between incremental in-  
 24           creases in discretionary spending and debt service  
 25           costs; and

1           (3) the feasibility of providing estimates of debt  
 2           service costs in the cost estimates prepared pursuant  
 3           to section 308 of the Congressional Budget Act of  
 4           1974.

5 **SEC. 504. SENSE OF THE SENATE REGARDING THE COSTS**  
 6                   **OF THE MEDICARE PRESCRIPTION DRUG**  
 7                   **PROGRAM.**

8           It is the sense of the Senate that the Committee on  
 9   Finance of the Senate should report a bill that consists  
 10   of changes in laws within its jurisdiction sufficient to en-  
 11   sure that spending within part D of the Medicare Pre-  
 12   scription Drug Benefit program in fiscal years 2005  
 13   through 2013 does not exceed the total of  
 14   \$409,000,000,000 as estimated by the Congressional  
 15   Budget Office.

16 **SEC. 505. SENSE OF THE SENATE REGARDING PAY PARITY.**

17           It is the sense of the Senate that—

18           (1) compensation for civilian and military em-  
 19           ployees of the United States, without whom we can-  
 20           not successfully serve and protect our citizens and  
 21           taxpayers, must be sufficient to support our critical  
 22           efforts to recruit, retain, and reward quality people  
 23           effectively and responsibly; and

24           (2) to achieve this objective, the rate of increase  
 25           in the compensation of civilian employees should be

1 equal to that proposed for the military in the Presi-  
2 dent's Fiscal Year 2005 Budget.

3 **SEC. 506. SENSE OF THE SENATE ON RETURNING STA-**  
4 **BILITY TO PAYMENTS UNDER MEDICARE**  
5 **PHYSICIAN FEE SCHEDULE.**

6 (a) FINDINGS.—The Senate finds that—

7 (1) the fees Medicare pays physicians and other  
8 health professionals were reduced by 5.4 percent  
9 across-the-board in 2002.

10 (2) action by Congress in early 2003 narrowly  
11 averted a 4.4-percent across-the-board reduction in  
12 such fees that year;

13 (3) in the fall of 2003, congressional action was  
14 once again needed to prevent an across-the-board re-  
15 duction of 4.5 percent in such fees for 2004, as well  
16 as an anticipated further reduction in 2005;

17 (4) based on current projections, estimates sug-  
18 gest that, absent any action, fees will be significantly  
19 reduced across-the-board in 2006 and each year  
20 thereafter until at least 2010;

21 (5) the prospect of continued payment reduc-  
22 tions under the Medicare physician fee schedule for  
23 the foreseeable future threatens to destabilize an im-  
24 portant element of the program, namely physician

1 participation and willingness to accept Medicare pa-  
2 tients;

3 (6) there are major flaws in the formula Medi-  
4 care uses to reimburse physicians which result in  
5 steep cuts that adversely impact Medicare bene-  
6 ficiaries' access to care; and

7 (7) CMS should use its authority to exclude  
8 Medicare-covered drugs and biologics from the phy-  
9 sician formula and accurately reflect in the formula  
10 the direct and indirect cost of increases due to cov-  
11 erage decisions, administrative actions, and rules  
12 and regulations.

13 (b) SENSE OF THE SENATE.—It is the sense of the  
14 Senate that, while recent actions by Congress have helped  
15 address the immediate reductions in reimbursement, fur-  
16 ther action by Congress is urgently needed to put in place  
17 a new formula or mechanism for updating Medicare physi-  
18 cian fees in 2006 and thereafter, in order to ensure—

19 (1) the long-term stability of the Medicare pay-  
20 ment system for physicians and other health care  
21 professionals, such that payment rates keep pace  
22 with practice cost increases; and

23 (2) future access to physicians' services for  
24 Medicare beneficiaries.

1 **SEC. 507. SENSE OF THE SENATE REGARDING THE USE OF**  
2 **FEDERAL FUNDS TO SUPPORT AMERICAN**  
3 **COMPANIES AND AMERICAN WORKERS.**

4 (a) FINDINGS.—The Senate finds that—

5 (1) the United States has lost more than  
6 2,200,000 manufacturing jobs since 2000;

7 (2) the Bureau of Labor Statistics reported  
8 that 239,454 workers in a variety of sectors of the  
9 United States economy lost their jobs as a result of  
10 mass layoffs in January 2004;

11 (3) there are millions of long-term unemployed  
12 Americans who have been unable to find work; and

13 (4) the Buy American Act requires the Federal  
14 Government to support American companies and  
15 American workers by buying American-made goods.

16 (b) SENSE OF THE SENATE.—It is the sense of the  
17 Senate that the functional totals in this resolution assume  
18 that—

19 (1) Federal departments and agencies will, to  
20 the maximum extent possible, purchase goods and  
21 services from American companies; and

22 (2) Federal departments and agencies will en-  
23 sure that, to the maximum extent possible, the work  
24 required by Federal contracts for goods and services  
25 will be performed in the United States.

1 **SEC. 508. SENSE OF THE SENATE REGARDING CLOSING THE**  
2 **“TAX GAP”.**

3 (a) FINDINGS.—The Senate finds that—

4 (1) the Internal Revenue Service estimates that  
5 the gross tax gap (the difference between the  
6 amount of taxes owed by taxpayers and the amount  
7 actually collected) is now estimated to be in excess  
8 of \$300,000,000,000 annually;

9 (2) the Internal Revenue Service reports that  
10 the rate of voluntary and timely compliance from  
11 taxpayers in paying what they owe is approximately  
12 85 percent;

13 (3) this overwhelming majority of honest and  
14 hardworking taxpayers are forced to make up the  
15 shortfall that results from taxpayers who fail to pay  
16 what they owe voluntarily;

17 (4) a former Commissioner of Internal Revenue  
18 has estimated that honest taxpayers are paying “15  
19 percent more” than necessary if the tax gap were  
20 closed;

21 (5) the current Commissioner of Internal Rev-  
22 enue is concerned that increasing numbers of tax-  
23 payers believe that people are less likely to report  
24 their income taxes accurately and more inclined to  
25 take a chance that they will not be audited; and

1           (6) that an increase in enforcement efforts on  
 2           taxes already due and owing can generate significant  
 3           additional revenues without raising taxes.

4           (b) SENSE OF THE SENATE.—It is the sense of the  
 5           Senate that the Internal Revenue Service should be pro-  
 6           vided the resources necessary to increase enforcement ac-  
 7           tivities that would be concentrated on efforts to reduce the  
 8           tax gap substantially by the end of fiscal year 2009.

9           **SEC. 509. SENSE OF THE SENATE AMENDMENT ON DRUG**  
 10           **COMPARATIVENESS STUDIES.**

11           It is the sense of the Senate that the overall discre-  
 12           tionary levels set in this resolution assume \$75,000,000  
 13           in new budget authority in fiscal year 2005 and new out-  
 14           lays that flow from this budget authority in fiscal year  
 15           2005 and subsequent years, to fund new research and on-  
 16           going literature surveys in the Agency for Health Care Re-  
 17           search and Quality. These activities will be designed to  
 18           improve scientific evidence related to the comparative ef-  
 19           fectiveness and safety of prescription drugs and other  
 20           treatments and to disseminate the findings and underlying  
 21           data from such research to health care practitioners, con-  
 22           sumers, and health care purchasers.



**Calendar No. 437**

108TH CONGRESS  
2D SESSION

**S. CON. RES. 95**

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**CONCURRENT RESOLUTION**

Setting forth the congressional budget for the  
United States Government for fiscal year 2005  
and including the appropriate budgetary levels  
for fiscal years 2006 through 2009.

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MARCH 5, 2004

Reported under authority of the Senate of March 4,  
2004, and placed on the calendar